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17 *James V. Deppoleto Jr.*

18 **UNITED STATES DISTRICT COURT**
19 **FOR THE DISTRICT OF NEVADA**

20
21 JAMES V. DEPPOLETO JR.,
22 Plaintiff,
23 v.
24 TAKEOVER INDUSTRIES
25 INCORPORATED,
26 Defendant.
27
28

CASE NO. 2:22-cv-2013

**PLAINTIFF'S MOTION FOR LEAVE TO
FILE A FIRST AMENDED VERIFIED
COMPLAINT**

1 Pursuant to 15-1(a) of the Local Rules of Practice for the United States District Court for
2 the District of Nevada, and the deadlines upon which the parties agreed during their Rule 26(f)
3 conference, Plaintiff, James V. Deppoleto Jr. ("Mr. Deppoleto" or "Plaintiff"), hereby seeks the
4 Court's leave to file a First Amended Verified Complaint, which is attached hereto as **Exhibit 1**.

5 Plaintiff submits that good cause exists to grant this Motion requesting leave to file a First
6 Amended Verified Complaint because, since Mr. Deppoleto filed the Complaint on December 2,
7 2022, Defendant, Takeover Industries Incorporated ("Takeover") and its Officers and Directors
8 have taken actions causing further damage to Mr. Deppoleto. These actions have given rise to
9 additional causes of action against Takeover and five new Defendants, as described in the First
10 Amended Verified Complaint. The Court should also grant Mr. Deppoleto leave to amend
11 pursuant to Federal Rule of Civil Procedure 15(a)(2), because Mr. Deppoleto and Takeover
12 stipulated that all Motions to amend the pleadings should be submitted on or before August 30,
13 2023, and justice so requires.

14 WHEREFORE, Plaintiff respectfully submits that good cause exists to file a First Amended
15 Verified Complaint, and respectfully requests that the Court enter an Order granting Plaintiff leave
16 to file a First Amended Verified Complaint, and for such other relief as the Court deems necessary
17 and appropriate.

18 ///

19 ///

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INDEX OF EXHIBITS

Exhibit	Description
1	Plaintiff's Proposed First Amended Verified Complaint

1 DATED this 30th day of August, 2023.

2 **HUSCH BLACKWELL LLP**

3
4 By: /s/ Jennifer E. Hoekel

5 JENNIFER E. HOEKEL

6 Nevada Bar No. 12775

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19 kwyant@shea.law

20 *Attorney for Plaintiff*

James V. Deppoleto Jr

CERTIFICATE OF SERVICE

1
2 1. On August 30, 2023, I served the following document(s): **PLAINTIFF'S MOTION
FOR LEAVE TO FILE A FIRST AMENDED COMPLAINT.**

3
4 2. I served the above document(s) by the following means to the persons as listed
below:

5 ☒ a. ECF System:

6 ☐ b. United States mail, postage fully prepaid:

7 ☐ c. Personal Service:

8 I personally delivered the document(s) to the persons at these addresses:

9 ☐ For a party represented by an attorney, delivery was made by
handing the document(s) at the attorney's office with a clerk or other person in
10 charge, or if no one is in charge by leaving the document(s) in a conspicuous place
in the office.

11 ☐ For a party, delivery was made by handling the document(s)
12 to the party or by leaving the document(s) at the person's dwelling house or usual
place of abode with someone of suitable age and discretion residing there.

13 ☐ d. By direct email (as opposed to through the ECF System):
Based upon the written agreement of the parties to accept service by email or a
14 court order, I caused the document(s) to be sent to the persons at the email
addresses listed below. I did not receive, within a reasonable time after the
15 transmission, any electronic message or other indication that the transmission was
16 unsuccessful.

17 ☐ e. By fax transmission:

18 Based upon the written agreement of the parties to accept service by fax
transmission or a court order, I faxed the document(s) to the persons at the fax
19 numbers listed below. No error was reported by the fax machine that I used. A copy
of the record of the fax transmission is attached.

20 ☐ f. By messenger:

21 I served the document(s) by placing them in an envelope or package addressed to
22 the persons at the addresses listed below and providing them to a messenger for
service.

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Dated: August 30, 2023.

25 By: /s/ Jennifer E. Hoekel